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C O N F I D E N T I A L USUN 0320

FOR EMBASSY CAPETOWN

VALLETTA FOR ANDY YOUNG AND DICK MOOSE

E.O. 11652: GDS
TAGS: PORG, SF, WA
SUBJ: NAMIBIA: FINAL TEXT OF PROPOSAL

REF: USUN 0319

1. FOLLOWING IS FINAL TEXT OF WESTERN FIVE PROPOSAL FOR
A NAMIBIAN SETTLEMENT:

QUOTE: JANUARY 31, 1978
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PROPOSAL FOR A SETTLEMENT OF THE NAMIBIAN SITUATION

I. INTRODUCTION

1. BEARING IN MIND THEIR RESPONSIBILITIES AS MEMBERS
OF THE SCURITY COUNCIL OF THE UNITED NATIONS, THE
GOVERNMENTS OF CANADA, FRANCE, THE FEDERAL REPUBLIC OF
GERMANY, THE UNITED KINGDOM AND THE UNITED STATES HAVE
CONSULTED WITH THE VARIOUS PARTIES INVOLVED WITH THE
NAMIBIAN SITUATION WITH A VIEW TO ENCOURAGING AGREEMENT ON
THE TRANSFER OF AUTHORITY IN NAMIBIA TO AN INDEPENDENT
GOVERNMENT IN ACCORDANCE WITH RESOLUTION 385, ADOPTED
UNANIMOUSLY BY THE SCURITY COUNCIL ON 30 JANUARY 1976.

2. TO THIS END, OUR GOVERNMENTS HAVE DRAWN UP A PROPOSAL FOR THE SETTLEMENT OF THE NAMIBIAN QUESTION DESIGNED TO BRING ABOUT A TRANSITION TO INDEPENDENCE DURING 1978 WITHIN A FRAMEWORK ACCEPTABLE TO THE PEOPLE OF NAMIBIA AND THUS TO THE INTERNATIONAL COMMUNITY. THE KEY TO AN INTERNATIONALLY ACCEPTABLE TRANSITION TO INDEPENDENCE IS FREE ELECTIONS FOR THE WHOLE OF NAMIBIA AS ONE POLITICAL ENTITY WITH APPROPRIATE UNITED NATIONS SUPERVISION AND CONTROL. A RESOLUTION WILL BE REQUIRED IN THE SECURITY COUNCIL REQUESTING THE SECRETARY GENERAL TO APPOINT A UNITED NATIONS SPECIAL REPRESENTATIVE WHOSE TASK WILL BE TO ENSURE THE ESTABLISHMENT OF CONDITIONS THAT WILL ALLOW FREE AND FAIR ELECTIONS AS REQUIRED BY RESOLUTION 385. THE CENTRAL TASK OF THE SPECIAL REPRESENTATIVE WILL BE TO ENSURE THE FAIRNESS AND IMPARTIALITY OF THE ELECTORAL PROCESS. THE SPECIAL REPRESENTATIVE WILL BE ASSISTED BY A UNITED NATIONS TRANSITION ASSISTANCE GROUP.

3. THE PURPOSE OF THE ELECTORAL PROCESS IS TO ELECT REPRESENTATIVES TO A NAMIBIAN CONSTITUTNE ASSEMBLY WHICH WILL DRAW UP AND ADOPT THE CONSTITUTION FOR AN INDEPENDENT AND SOVEREIGN NAMIBIA. AUTHORITY WOULD BE TRANSFERRED DURING

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1978 TO THE GOVERNMENT OF NAMIBIA.

4. A MORE DETAILED DESCRIPTION OF THE PROPOSAL IS CONTAINED BELOW. OUR GOVERNMENTS BELIEVE THAT THIS PROPOSAL PROVIDES AN EFFECTIVE BASIS FOR IMPLEMENTING RESOLUTION 385 WHILE TAKING ADEQUATE ACCOUNT OF THE INTERESTS OF ALL PARTIES INVOLVED. IN CARRYING OUT THIS RESPONSIBILITIES THE SPECIAL REPRESENTATIVE WILL DEAL WITH THE OFFICIAL APPOINTED BY SOUTH AFRICA (THE ADMINISTRATOR GENERAL) TO ENSURE THE ORDERLY TRANSITION TO INDEPENDENCE. THIS WORKING ARRANGEMENT SHALL IN NO WAY CONSTITUTE RECOGNITION OF THE SOUTH AFRICAN PRESENCE IN AND ADMINISTRATION OF NAMIBIA.

II. THE ELECTORAL PROCESS

5. IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION 385, FREE ELECTIONS WILL BE HELD, FOR THE WHOLE OF NAMIBIA AS ONE POLITICAL ENTITY, TO ENABLE THE PEOPLE OF NAMIBIA TO FREELY AND FAIRLY DETERMINE THEIR OWN FUTURE. THE ELECTIONS WILL BE UNDER THE SUPERVISION AND CONTROL OF THE UNITED NATIONS IN THAT, AS A CONDITION TO THE CONDUCT OF THE ELECTORAL PROCESS, THE ELECTIONS THEMSELVES, AND THE CERTIFICATION OF THEIR RESULTS, THE UNITED NATIONS SPECIAL REPRESENTATIVE WILL HAVE TO SATISFY HIMSELF AS TO THE FAIRNESS AND APPROPRIATENESS OF ALL ASPECTS OF THE POLITICAL PROCESS AT EACH STAGE. IN THE DISCHARGE OF HIS DUTIES, HE WILL HAVE AT HIS DISPOSAL A SUBSTANTIAL CIVILIAN SECTION OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP. HE WILL REPORT TO THE SECRETARY GENERAL OF THE UNITED NATIONS, KEEPING HIM INFORMED AND MAKING SUCH RECOMMENDATIONS AS HE CONSIDERS NECESSARY WITH RESPECT TO THE DISCHARGE OF HIS RESPONSIBILITIES. THE

SECRETARY GENERAL, IN ACCORDANCE WITH THE MANDATE ENTRUSTED TO HIM BY THE SECURITY COUNCIL, WILL KEEP THE COUNCIL INFORMED.

6. ELECTIONS WILL BE HELD TO SELECT A CONSTITUENT ASSEMBLY WHICH WILL ADOPT A CONSTITUTION FOR AN INDEPENDENT NAMIBIA. THE CONSTITUTION WILL DETERMINE THE ORGANIZATION AND POWERS OF ALL LEVELS OF GOVERNMENT. EVERY ADULT PERSON
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WHO IS DETERMINED TO BE A NAMIBIAN CITIZEN WILL BE ELIGIBLE, WITHOUT DISCRIMINATION OR FEAR OF INTIMIDATION FROM ANY SOURCE, TO VOTE, CAMPAIGN AND STAND FOR ELECTION TO THE CONSTITUENT ASSEMBLY. VOTING WILL BE BY SECRET BALLOT, WITH PROVISIONS MADE FOR THOSE WHO CANNOT READ OR WRITE. THE DATE FOR THE BEGINNING OF THE ELECTORAL CAMPAIGN, THE DATE OF ELECTIONS, THE DELINEATION OF ELECTORAL CONSTITUENCIES, THE PREPARATION OF VOTERS ROLLS, AND OTHER ASPECTS OF ELECTORAL PROCEDURES WILL BE PROMPTLY DECIDED UPON SO AS TO GIVE ALL POLITICAL PARTIES AND INTERESTED PERSONS, WITHOUT REGARD TO THEIR POLITICAL VIEWS, A FULL AND FAIR OPPORTUNITY TO ORGANIZE AND PARTICIPATE IN THE ELECTORAL PROCESS. FULL FREEDOM OF SPEECH, ASSEMBLY, MOVEMENT AND PRESS SHALL BE GUARANTEED. ALL OF THESE ELECTORAL PROCEDURES WILL TAKE EFFECT ONLY AFTER THE UNITED NATIONS SPECIAL REPRESENTATIVE HAS SATISFIED HIMSELF AS TO THEIR FAIRNESS AND APPROPRIATENESS. THE IMPLEMENTATION OF THE ELECTORAL PROCESS, INCLUDING THE PROPER REGISTRATION OF VOTERS AND THE PROPER AND TIMELY TABULATION AND PUBLICATION OF VOTING RESULTS WILL ALSO HAVE TO BE CONDUCTED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE.

7. THE FOLLOWING REQUIREMENTS WILL BE FULFILLED TO SATISFACTION OF THE UNITED NATIONS SPECIAL REPRESENTATIVE IN ORDER TO MEET THE OBJECTIVE OF FREE AND FAIR ELECTIONS:
A) PRIOR TO THE BEGINNING OF THE ELECTORAL CAMPAIGN THE ADMINISTRATOR GENERAL WILL REPEAL ALL DISCRIMINATORY OR RESTRICTIVE LAWS, REGULATIONS, OR ADMINISTRATIVE DECISIONS WHICH MIGHT ABRIDGE OR INHIBIT THAT OBJECTIVE.
B) ALL NAMIBIAN POLITICAL PRISONERS OR POLITICAL DETAINEES HELD BY THE SOUTH AFRICAN AUTHORITIES WILL BE RELEASED PRIOR TO THE BEGINNING OF THE ELECTORAL CAMPAIGN AND PERMITTED TO PARTICIPATE FULLY AND FREELY IN THE PROCESS. WITHOUT RISK OF ARREST, DETENTION, INTIMIDATION OR IMPRISONMENT. ANY
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DISPUTES CONCERNING THE RELEASE OF POLITICAL PRISONERS OR POLITICAL DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF THE DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE.
C) ALL NAMIBIAN REFUGEES OR NAMIBIANS DETAINED OR OTHERWISE OUTSIDE THE TERRITORY OF NAMIBIA WILL BE PERMITTED

TO RETURN AND PARTICIPATE FULLY AND FREELY IN THE ELECTORAL PROCESS WITH RISK OF ARREST, DETENTION, INTIMIDATION OR IMPRISONMENT. SUITABLE ENTRY POINTS WILL BE DESIGNATED FOR THESE PURPOSES.

D) THE SPECIAL REPRESENTATIVE WITH THE ASSISTANCE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND OTHER APPROPRIATE INTERNATIONAL BODIES WILL ENSURE THAT NAMIBIANS REMAINING OUTSIDE OF NAMIBIA ARE GIVEN A FREE AND VOLUNTARY CHOICE WHETHER TO RETURN. WHERE NECESSARY, PROVISION WILL BE MADE TO ATTEST TO THE VOLUNTARY NATURE OF DECISIONS MADE BY NAMIBIANS WHO ELECT NOT TO RETURN TO NAMIBIA.

8. A COMPREHENSIVE CESSATION OF ALL HOSTILE ACTS SHALL BE OBSERVED BY ALL PARTIES IN ORDER TO ENSURE THAT THE ELECTRAL PROCESS WILL BE FREE FROM INTERFERENCE AND INTIMIDATION. ANNEX A DESCRIBES PROVISION FOR THE IMPLEMENTATION OF THE CESSATION OF ALL HOSTILE ACTS, MILITARY ARRANGEMENTS CONCERNING THE UNITED NATIONS TRANSITION. ASSISTANCE GROUP, THE WITHDRAWAL OF SOUTH AFRICAN FORCES, AND ARRANGEMENTS WITH RESPECT TO OTHER ORGANIZED FORCES IN NAMIBIA AND THE FORCES OF SWAPO. THESE PROVISIONS CALL FOR:

A) A CESSATION OF ALL HOSTILE ACTS BY ALL PARTIES AND THE RESTRUCTION OF SOUTH AFRIAN AND SWAPO ARMED FORCES TO ESTABLISHED BASES UNDER UN MONITORING.
B) A PHASED WITHDRAWAL FROM NAMIBIA OF ALL BUT 1500 SOUTH AFRICAN TROOPS WITHIN TWELVE WEEKS AND PRIOR TO THE OFFICIAL START OF THE POLITICAL CAMPAIGN. THE REMAINING SOUTH AFRICAN FORCE WOULD BE RESTRICTED TO GROOTFONTEIN OR OSHVELLO OR BOTH AND MONITORED BY UNITED NATIONS PERSONNE AND WOULD BE WITHDRAWN AFTER THE CERTIFICATION OF THE ELECTION.
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C) THE DEMOBILIZATION OF THE CITIZEN FORCES, COMMANDOS, AND ETHNIC FORCES, AND THE DISMANTLING OF THEIR COMMAND STRUCTURES

D) A MILITARY SECTION OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP TO ENSURE THAT THE PROVISIONS OF THE AGREED SOLUTION WILL BE OBSERVED BY ALL PARTIES. IN ESTABLISHING THE MILITARY SECTION OF UNTAG, THE SECRETARY GENERAL WILL KEEP IN MIND OPERATIONAL AND LOGISTICAL REQUIREMENTS.

E. PROVISION WILL BE MADE FOR SWAPO PERSONNEL OUTSIDE OF THE TERRITORY TO RETURN PEACEFULLY TO NAMIBIA THROUGH DESIGNATED ENTRY POINTS TO PARTICIPATE FREELY IN THE POLITICAL PROCESS. THE SPECIAL REPRESENTATIVE WILL BE REQUIRED TO SATISFY HIMSELF AS TO THE IMPLEMENTATION OF ALL THESE ARRANGEMENTS AND WILL KEEP THE SECRETARY GENERAL INFORMED OF DEVELOPMENTS IN THIS REGARD.

9. PRIMARY RESPONSIBILITY FOR MAINTAINING LAW AND ORDER IN NAMIBIA DURING THE TRANSITION PERIOD SHALL REST WITH THE EXISTING POLICE FORCES. THE ADMINISTRATOR GENERAL TO THE SATISFACTION OF THE UNITED NATIONS SPECIAL REPRESENTATIVE SHALL ENSURE THE GOOD CONDUCT OF THE POLICE FORCES AND SHALL TAKE THE NECESSARY ACTION TO ENSURE THEIR SUITABILITY FOR CONTINUED

EMPLOYMENT DURING THE TRANSITION PERIOD. THE SPECIAL REPRESENTATIVE SHALL DECIDE WHEN IT IS APPROPRIATE FOR UNITED NATIONS PERSONNEL TO ACCOMPANY THE POLICE FORCES IN THE DISCHARGE OF THEIR DUTIES. THE UNITED NATIONS SPECIAL REPRESENTATIVE WILL TAKE STEPS TO GUARANTEE AGAINST THE POSSIBILITY OF INTIMIDATION OR INTERFERENCE WITH THE ELECTORAL PROCESS FROM WHATEVER QUARTER.

10. IMMEDIATELY AFTER THE CERTIFICATION OF ELECTION RESULTS, THE CONSTITUTANT ASSEMBLY WILL MEET TO DRAW UP AND ADOPT A CONSTITUTION FOR AN INDEPENDENT NAMIBIA. IT WILL CONCLUDE ITS WORK AS SOON AS POSSIBLE SO AS TO PERMIT WHATEVER ADDITIONAL STEPS MAY BE NECESSARY PRIOR TO THE INSTALLATION OF AN INDEPENDENT GOVERNMENT OF NAMIBIA DURING 1978.

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11. THESE TRANSITIONAL ARRANGEMENTS AND THE ACTIONS OF THE PARTIES IN CARRYING THEM OUT SHALL IN NO WAY PREJUDICE THE TERRITORIAL CLAIMS OF ANY PARTY.

12. NEIGHBORING COUNTRIES SHALL BE REQUESTED TO ENSURE TO THE BEST OF THEIR ABILITIES THAT THE PROVISIONS OF THE TRANSITIONAL ARRANGEMENTS, AND THE OUTCOME OF THE ELECTION, ARE RESPECTED. THEY SHALL ALSO BE REQUESTED TO AFFORD THE NECESSARY FACILITIES TO THE UNITED NATIONS SPECIAL REPRESENTATIVE AND ALL UNITED NATIONS PERSONNEL TO CARRY OUT THEIR ASSIGNED FUNCTIONS AND TO FACILITATE SUCH MEASURES AS MAY BE DESIRABLE FOR ENSURING TRANQUILITY IN THE BORDER AREAS.

ANNEX

ABBREVIATIONS APPEARING IN ANNEX:

AG-ADMINISTRATOR GENERAL;

SAG-SOUTH AFRICAN GOVERNMENT

SWAPO- SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

SYG-SECRETARY-GENERAL OF UNITED NATIONS

UN-UNITED NATIONS

UNSR-UNITED NATIONS SPECIAL REPRESENTATIVE

UNSC-UNITED NATIONS SECURITY COUNCIL

UNTAG-UNITED NATIONS TRANSITION ASSISTANCE GROUP

TIMING:

1. AT DATE UNSPECIFIED:

UN: UNSC PASSES RESOLUTION AUTHORIZING SYG TO APPOINT UNSR AND REQUESTING HIM TO SUBMIT PLAN FOR UN INVOLVEMENT. SYG APPOINTS UNSR AND DISPATCHES UN CONTINGENCY PLANNING GROUP TO NAMIBIA. SYG BEGIN CONSULTATIONS WITH POTENTIAL PARTICIPANTS IN UNTAG.

2. AS SOON AS POSSIBLE, PREFERABLY WITHIN ONE WEEK OF SECURITY COUNCIL ACTION:

UN: SYG REPORTS BACK TO UNSC.

UNSC PASSES FURTHER RESOLUTION ADOPTING PLAN FOR UN

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INVOLVEMENT.

PROVISION IS MADE FOR FINANCING

3. TRANSITIONAL PERIOD FORMALLY BEGINS ON DATE OF UNSC

PASSAGE OF RESOLUTION ADOPTING SYG'S PLAN:

SAG: GENERAL CESSATION OF HOSTILE ACTS COMES

UNDER UN SUPERVISION. RESTRICTION TO ESTABLISHED

BASES OF ALL SOUTH AFRICAN FORCES INCLUDING

ETHNIC FORCES.

SWAPO: GENERAL CESSATION OF HOSTILE ACTS COMES UNDER

UN SUPERVISION. RESTRICTION TO ESTABLISHED

BASES.

UN: AS SOON AS POSSIBLE: UNSR AND STAFF (UNTAG)

ARRIVE IN NAMIBIA TO ASSUME DUTIES.

UN MILITARY PERSONNEL COMMENCE MONITORING OF

CESSATION OF HOSTILE ACTS AND COMMENCE

MONITORING OF BOTH SOUTH AFRICAN AND SWAPO

TROOP RESTRICTIONS. BEGIN INFILTRATION

PREVENTION AND BORDER SURVEILLANCE. BEGIN

MONITORING OF POLICE FORCES. BEGIN MONI-

TORING OF CITIZEN FORCES, COMMANDOS, ETHNIC

FORCES, AND MILITARY PERSONNEL PERFORMING

CIVILIAN FUNCTIONS.

UNSR MAKES NECESSARY ARRANGEMENTS FOR COORDINATION

WITH NEIGHBORING COUNTRIES CONCERNING THE PRO-

VISIONS OF THE TRANSITIONAL ARRANGEMENTS.

4. WITHIN SIX WEEKS:

SAG: RESTRICTION TO ESTABLISHED BASES CONTINUES.

FORCE LEVELS REDUCED TO 12,000 MEN.

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SWAPO: RESTRICTION TO ESTABLISHED BASES CONTINUES.

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UN: APPROPRIATE ACTION BY UN HIGH COMMISSIONER FOR

REFUGEES OUTSIDE NAMIBIA TO ASSIST IN RETURN

OF EXILES.

OTHER ACTION:

ALL UN ACTIVITY CONTINUES.

ESTABLISHMENT IN NAMIBIA OF PROVISIONS TO FACILITATE

RETURN OF EXILES.

ESTABLISHMENT AND PUBLICATION OF GENERAL RULES FOR ELECTIONS.

RELEASE OF POLITICAL PRISONERS/DETAINEES WHEREVER HELD HAS BEGUN.

COMPLETION OF REPEAL OF DISCRIMINATORY LAWS AND RESTRICTIVE
LEGISLATION.

DISMANTLEMENT OF COMMAND STRUCTURES OF CITIZEN FORCES,
COMMANDOS AND ETHNIC FORCES, INCLUDING THE WITHDRAWAL OF ALL
SOUTH AFRICAN SOLDIERS ATTACHED TO THESE UNITS.

ALL ARMS (OTHER THAN PERSONAL), MILITARY

EQUIPMENT, AND AMMUNITION POSSESSED BY MEMBERS OF CITIZEN FORCES AND COMMANDOS CONFINED TO DRILL HALLS UNDER UN SUPERVISION. AG TO ENSURE THAT NONE OF THESE FORCES WILL DRILL ON CONSTITUTE AN ORGANIZED FORCE DURING THE TRANSITIONAL PERIOD EXCEPT UNDER ORDER OF THE AG WITH THE CONCURRENCE OF UNSR. AG WITH CONCURRENCE OF UNSR DETERMINES WHETHER AND UNDER WHAT CIRCUMSTANCES THOSE MILITARY PERSONNEL PERFORMING CIVILIAN FUNCTIONS WILL CONTINUE THOSE FUNCTIONS.

5. WITHIN NINE WEEKS:

SAG: RESTRICTION TO ESTABLISHED BASES CONTINUES.
FORCE LEVELS REDUCED TO 8,000 MEN.
SWAPO: RESTRICTION TO ESTABLISHED BASES CONTINUES.
PEACEFUL REPATRIATION UNDER UN SUPERVISION STARTS FOR RETURN THROUGH DESIGNATED ENTRY POINTS.
UN: ALL UN ACTIVITY CONTINUES.

6. WITHIN TWELVE WEEKS:

SAG: FORCE LEVELS REDUCED TO 1500 MEN, RESTRICTED TO CONFIDENTIAL

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GROOTFONTEIN OR OSHIVELLO OR BOTH. ALL MILITARY INSTALLATIONS ALONG NORTHERN BORDER WOULD BY NOW EITHER BE DEACTIVATED OR PUT UNDER CIVILIAN CONTROL UNDER U.N. SUPERVISION. FACILITIES WHICH DEPEND ON THEM (E/ G. HOSPITALS , POWER STATIONS) WOULD BE PROTECTED WHERE NECESSARY BY THE UN.
SWAPO: RESTRICTION TO ESTABLISHED BASES CONTINUES.
UN: ALL UN ACTIVITY CONTINUES.
MILITARY SECTION OF UNTAG AT MAXIMUM DEPLOYMENT.
OTHER ACTION: COMPLETION OF RELEASE OF POLITICAL PRISONERS/ DETAINEES WHEREVER HELD.

7. START OF THIRTEENTH WEEK:

OTHER ACTION: OFFICIAL START OF ELECTION CAMPAIGN OF ABOUT FOUR MONTH'S DURATION.

8. ON DATE ESTABLISHED BY AG TO SATISFACTION OF UNSR:

OTHER ACTION: ELECTION TO CONSTITUENT ASSEMBLY.

9. ONE WEEK AFTER DATE OF CERTIFICATION OF ELECTION:

SAG: COMPLETION OF WITHDRAWAL.
SWAPO: CLOSURE OF ALL BASES.
OTHER ACTION: CONVENING OF CONSTITUENT ASSEMBLY

10. AT DATE UNSPECIFIED:

OTHER ACTION: CONCLUSION OF CONSTITUENT ASSEMBLY AND WHATEVER ADDITIONAL STEPS MAY BE NECESSARY PRIOR TO INSTALLATION OF NEW GOVERNMENT.

11. BY DECEMBER 31, 1978 AT LATEST:

OTHER ACTION: INDEPENDENCE

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